

REMARKS / ARGUMENTS

Status of Claims

Claims 1-13, 15-31, and 33-43 are pending in the application. Claims 10-13, 15-18 and 28-31 stand rejected. Applicant has amended Claims 10 and 28 leaving Claims 10-13, 15-18 and 28-31 for consideration upon entry of the present Amendment.

Applicant respectfully submits that the rejections under 35 U.S.C. §103(a) have been traversed, that no new matter has been entered, and that the application is in condition for allowance.

Rejections Under 35 U.S.C. §103(a)

Claims 10-13, 15-18 and 28-31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Brosnihan et al. (U.S. Patent Publication 2003/0090164 hereinafter Brosnihan) in view of Harada (U.S. Patent Publication 2003/0141200 hereinafter Harada).

Regarding Claims 10-13, 15-18 and 28-31, the Examiner acknowledges that Brosnihan does not specifically disclose a hydrogen generator coupled to an electrical generator by a conduit and a pressure transducer fluidly coupled to the conduit and looks to Harada to cure this deficiency.

Applicant traverses these rejections for the following reasons.

Applicant respectfully submits that the obviousness rejection based on the References is improper as the References fail to teach or suggest each and every element of the instant invention in such a manner as to perform as the claimed invention performs. For an obviousness rejection to be proper, the Examiner must meet the burden of establishing a *prima facie* case of obviousness. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). The Examiner must meet the burden of establishing that all elements of the invention are taught or suggested in the prior art. MPEP §2143.03.

Applicant respectfully submits that independent Claims 10 and 28 as amended are not obvious in light of Brosnihan in view of Harada. In the advisory action, the Examiner

stated that Harada discloses an electrical generator because electrical power is supplied from a power source. By this amendment, Applicant has amended independent Claims 10 and 28 to further clarify that the electrical generator is a “hydrogen cooled” electrical generator. Applicant respectfully submits that a hydrogen cooled electrical generator is different from a power source disclosed by Harada. The power source (261) disclosed by Harada converts electrical energy to have the characteristics needed by the hydrogen generator. This is fundamentally different from an electrical generator that produces electrical power and receives hydrogen gas from the hydrogen generator to keep the generator windings cool.

Further, independent Claims 10 and 28 have been clarified to provide that the electrical generator is “fluidly coupled” to receive hydrogen gas from the hydrogen generator. Thus, the electrical generator receives hydrogen gas from the hydrogen generator to allow cooling of the electrical generator. In the advisory action, the Examiner stated that when taken at its broadest interpretation, the term “conduit” includes an electrical circuit. Applicant respectfully submits that Harada does not disclose a fluid conduit for transferring hydrogen gas between the hydrogen generator and the electrical generator as required by independent Claims 10 and 18. Therefore, Applicant respectfully submits that Harada fails to provide the needed disclosure to overcome the deficiencies of Brosnihan. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

With respect to dependent Claims 11-13, 15-18 and 29-31 that depend either directly or indirectly from independent Claims 10 and 28 and therefore incorporate all of the limitations of the parent claim. For at least the reasons discussed above with respect to independent Claims 1 and 28, Applicant respectfully submits that dependent Claims 11-13, 15-18 and 29-31 are not obvious in light of Brosnihan in view of Harada. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a) and allowance of Claims 10-13, 15-18 and 28-31 is respectfully requested.

In view of the foregoing, Applicant submits that the References fail to teach or

suggest each and every element of the claimed invention and are therefore wholly inadequate in their teaching of the claimed invention as a whole, fail to motivate one skilled in the art to do what the patent Applicant has done, fail to recognize a problem recognized and solved only by the present invention, fail to offer any reasonable expectation of success in combining the References to perform as the claimed invention performs, fail to teach a modification to prior art that does not render the prior art being modified unsatisfactory for its intended purpose, and discloses a substantially different invention from the claimed invention, and therefore cannot properly be used to establish a *prima facie* case of obviousness. Accordingly, Applicant respectfully requests reconsideration and withdrawal of all rejections under 35 U.S.C. §103(a), which Applicant considers to be traversed.

In view of the foregoing, Applicant submits that the application is now in condition for allowance, and respectfully request notice thereof.

If a communication with Applicant's Attorneys would assist in advancing this case to allowance, the Examiner is cordially invited to contact the undersigned so that any such issues may be promptly resolved.

The Commissioner is hereby authorized to charge any additional fees that may be required for this amendment, or credit any overpayment, to Deposit Account No. 06-1130.

In the event that an extension of time is required, or may be required in addition to that requested in a petition for extension of time, the Commissioner is requested to grant a petition for that extension of time that is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above-identified Deposit Account.

Respectfully submitted,

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